

*Montana Fish, Wildlife & Parks
Region 3 - Bozeman*

ENVIRONMENTAL ASSESSMENT

**Toston Fishing Access Site:
Proposed Right-of-Way Conveyance**

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Toston Fishing Access Site: Proposed Right-of-Way Conveyance

Project Location: The location of the project begins in Section 10, Township 5 North, Range 2 East and ends in Section 27, Township 5 North, Range 2 East, Broadwater County, Montana.

Figure 1. Toston Fishing Access Site (in blue)



Figure 2. Site Location Map



Proposed Action:

MDT, in conjunction with the Federal Highway Administration, is proposing to completely reconstruct and widen US 287 between the Toston-South project (currently under construction) and the recently completed Townsend-South Passing Lanes project. The existing bridges over the Missouri River and the Montana Rail Link (MRL) railroad tracks will be replaced with two new structures. The work consists of replacing and enlarging an existing bridge over the Missouri River, and modifying the highway alignment on both sides of the river to accommodate the new bridge alignment.

This realignment will encroach upon the Toston FAS with fill material covering approximately 1.1 acre of the FAS. The existing road accessing the FAS will be abandoned with a new access road being realigned to the south approximately ½ mile.

The 4.24 acres comprising the Toston FAS was originally purchased in 1994 using State License money. An appraisal will establish the property value of the approximate 1.1 acres of land that will be transferred to MDT and used for the bridge realignment. MDT will compensate FWP for

the fair market value with monies being deposited into FWP's real property trust account, a permanent account that generates funds for FWP land management activities.

Alternatives:

No-Action Alternative: Under the no-action alternative, FWP would not convey the land to MDT. However, MDT would have the ability to condemn the land as needed for bridge construction purposes.

Right of Way Alternative: FWP could provide a right-of-way easement to MDT rather than conveying land ownership. However, the amount of land to be conveyed is extremely small, and MDT prefers to own its right-of-way areas as that promotes more efficient highway management in the event of future needed activities.

Preferred Alternative: FWP's preferred alternative is to convey the land to MDT through the transaction described in this environmental assessment. FWP will consolidate its ownership east of Highway 287; receives compensation to the real property trust to assist with managing this and other public sites; and does not have to own property that is encumbered by a bridge approach/roadway. Also, the public will still have access to the river through the parcel that will be transferred to MDT ownership.

History:

The project will require new right-of-way from the Toston FAS, a site owned and administered by FWP. Through previous coordination, the FWP's Fisheries Division has determined that the Toston FAS is located within the flood plain of the Missouri River consisting of a sandy clay loam soil structure. This site is an important and popular public recreation site. In 2014, capital improvements were made to the FAS with an upgraded interior roadway for traffic flow and the addition of parking facilities for tow vehicles w/ trailers. A concrete latrine was also added to the site to address public health concerns.

The property is subject to the provisions for Section 4(f) properties of the *U.S. Department of Transportation Act (49 U.S.C. 303)*. This means MDT is obligated to evaluate feasible and prudent alternatives to the use of land from the FAS and to include all possible planning to minimize harm to the FAS from the highway use.

MDT has solicited input and comment from FWP with the most recent meetings occurring on May 21, 2015, and June 4, 2015, to discuss potential impacts and associated mitigation measures at the Toston FAS.

Although the alignment in the central corridor was designed to minimize impacts to the Toston FAS, the need to maintain traffic during construction on the existing highway and bridges results in a shift of the highway and bridge alignment to the east of approximately 60 feet resulting in impacts to the FAS. These impacts consist of the abandonment of the existing access road from Hwy 287, and a new FAS access road established from a point approximately ¼ mile south on Hwy 287. Other impacts are the loss of approximately 1.1 acres which is currently undisturbed open space.

Potential Effects on Toston FAS Property:

- The conversion of about 1.1 acres of land from the recreation site to transportation use would be necessary due to the realignment of the bridge and highway alignment.
- Some existing vegetation within the FAS would be impacted due to the realignment of the new bridge to the east (upstream) on the Missouri River.
- Bridge construction activities may temporarily inconvenience recreational floaters and eliminate some fishing opportunities near the existing bridge at various times during the overall construction period which is estimated at 2 years.
- The intersection of the existing county road (HWY 287 Bypass) with US 287 used to access the Toston FAS is proposed to be relocated approximately 1,200 feet to the south.
- Impacts to FAS signage on US 287.

MDT developed a list of proposed mitigating measures for these impacts and a list of specific actions to be implemented with this project. These mitigating actions were developed based on input and discussions between FWP and MDT staff. In addition, MDT intends to use transportation funding for mitigating impacts to the FAS so that there is an overall net benefit to the Section 4(f) property.

Mitigation Measures:

As a result of the coordination efforts with FWP, the following measures to minimize adverse impacts to the features, facilities, and use of the Toston FAS are proposed:

1) MDT will minimize impacts to the existing landscape and re-establish landscaping and fencing disturbed by construction.

MDT will establish a construction limit line, and MDT and FWP will meet on site prior to bidding to identify and approve the extent of impacts to woody vegetation. Steepened slopes will be utilized on the bridge embankment to minimize impacts to wetlands and the natural landscape. FWP will be consulted to coordinate with MOT's botanist to identify desirable vegetative species for reseeding or native bushes for replanting disturbed areas of the FAS. Wetland impacts MDT wetland mitigation sites and credit.

2) Wildlife Exclusion and Wildlife Friendly Fencing.

MDT is evaluating wildlife exclusion fencing along the highway right of way to reduce wildlife collisions to protect both the traveling public and the wildlife population in the project area where there has been a higher incidence of wildlife collisions. MDT will consult with FWP regarding any new wildlife exclusion fencing along the common property line between US 287 and the FAS.

3) MDT will reset and/or replace existing directional signing for the FAS

disturbed by construction.

FWP will be consulted to identify where impacted signs need to be reset or replaced.

- 4) MDT will obliterate the existing access to US 287 for the FAS, and will design and relocate the FAS approach from the relocated county road (HWY 287 Bypass).**

The new county road approach to the FAS will be adjusted as necessary, and the existing county road into this location will be obliterated in order to address safety, sight distance, and traffic/access control considerations at the current Radersburg Road/US 287 intersection. MDT will provide a single left-turn lane on US 287 for access onto the county road. Refer to Figure 1 for this additional information regarding the reconfiguration of the county access road from US 287. FWP staff acknowledged the relocation of the County and access roads as a benefit which would discourage rest stop usage of the facilities by the traveling public.

- 5) With the exception of occasions when construction activities for the new bridge may dictate temporary closures for safety reasons, MDT will perpetuate public access to the FAS and recreational floating through the work zone.**

MDT will phase the bridge and FAS construction to maximize public access to Toston FAS. Periodic closures for safety during construction will be limited to 48 hours, will also be limited to weekdays, and will be coordinated with FWP to ensure adequate time for public notification. MOT's contractor will also follow the procedures and requirements described in Standard Special Provision BR 201.24 "Waterway Passage and Signing" to ensure safe passage for river users through the work zone for the bridge. This specification provides for a minimum 20 feet wide by 6 feet high opening in the contractor's work bridge, warning signs installed on the upstream banks of the river, the use of buoys to mark a navigation channel, and public notice of the waterway restrictions in the area of the project.

- 6) MDT will not utilize the FAS for a Contractor staging and/or stockpiling area, nor authorize use of the existing FAS latrine to the project Contractor or any subcontractors.**

- 7) MDT will obtain and comply with necessary permits (i.e. 404, 124SPA) for permanent structures associated with the bridge replacement to protect water quality and aquatic resources in the project area.**

MDT's contractor(s) may have their own permitting requirements for temporary impacts and construction practices for the project.

- 8) Acquisition of approximately 1.1 acres of land from the 4.24 acre parcel.**

An appraisal of the property will be conducted by MDT, and FWP will be offered fair market value compensation for the purchase of this additional right of way.

The overall result of these mitigation measures is a net benefit to the Toston FAS by improving the operation, use, and enjoyment of this site by the public. Specific improvements resulting from these mitigation efforts are:

1. Sight distance at the new county access road (Hwy 287 Bypass) and access to the proposed FAS will be improved with the relocation of the Hwy 287 Bypass and construction of a protected left turn lane for vehicles and trailers on US 287.
2. Reduction in the use of the FAS latrine by the traveling public (as a distinct population from the sporting community using the FAS for accessing the river, fishing, etc.) is anticipated to result from the relocation of the Hwy 287 Bypass.

Scope of the FWP Environmental Assessment:

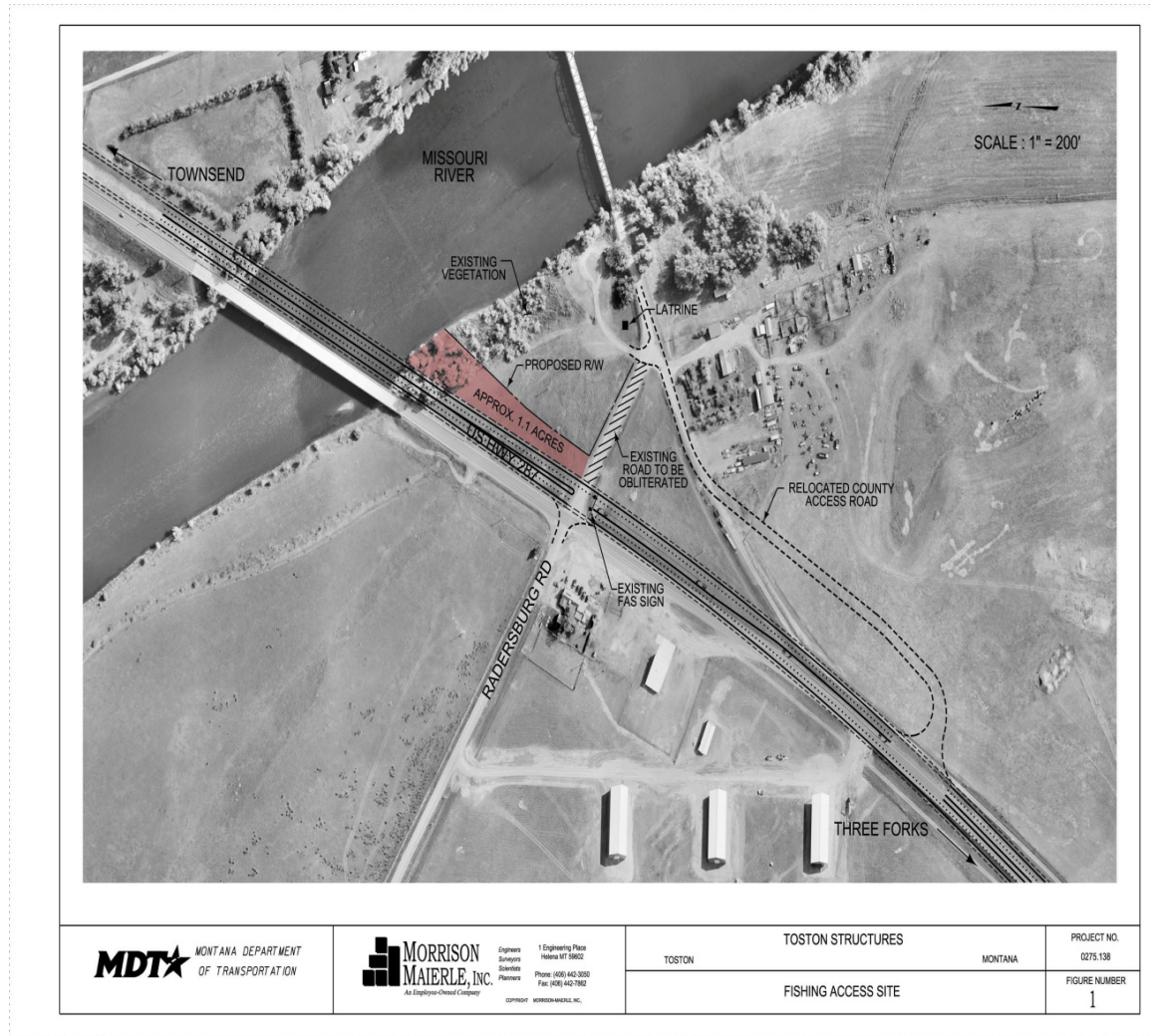
The scope of this environmental assessment by Montana Fish, Wildlife and Parks is to analyze any potential impacts from the proposed conveyance by FWP of 1.1 acres to MDT. This FWP environmental assessment is not intended to analyze the impacts of the MDT bridge reconstruction project as previously reviewed by MDT.

Environmental Assessment narrative:

The proposed action is a change of ownership of 1.1 acres from FWP to MDT. The majority of the land consists of an area between the current highway and FAS parking area, currently open space with limited surface vegetation. The parcel (estimated 1.1 acre) may be used for construction and roadway-border purposes. This area currently adjoins the existing roadway and will continue to provide walk-in access to the Missouri River.

Figure 3. MDT Plan Sheet of FWP property to be conveyed.

The small 1.1 acre parcel of land (highlighted below) to be conveyed to MDT is currently located east of the south bridge approach. The boat ramp and remainder of the 3.24-acre fishing access site are located east of the highway and bridge realignment.



PART 2. ENVIRONMENTAL REVIEW CHECKLIST

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats				X		
3. Introduction of new species into an area				X		
4. Vegetation cover, quantity and quality			X			4.
5. Water quality, quantity and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability and moisture				X		
8. Air quality or objectionable odors			X			8.
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics				X		

Comments

4. A portion of the open area of the FAS may be disturbed from heavy equipment but will be mitigated through reclamation and reseeded.
8. Dust may be temporarily generated during construction near the FAS designated parking area. There would be a temporary increase in diesel exhaust from equipment used during bridge construction. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. These impacts would be short term and minor since they would occur only during the construction period.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities				X		
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

Comments

Environmental Impact Statement Determination

Does the proposed action involve potential risks or adverse effects, which are uncertain but extremely harmful if they were to occur? No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant? No

The transfer of ownership of a small portion of the Toston FAS to MDT would not have any impacts to the public's use of the facilities at the FAS or access to the Missouri River. The transfer would not contribute to any impacts to the physical or human environment, thus an EA is the appropriate level of analysis and the preparation of an EIS is not warranted.

Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency: None

EA Prepared by:

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Comments may be:

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Comment period will run for 30 days, beginning January 11, 2016. Comments must be received by FWP no later than 5:00 p.m. on Tuesday, January 9, 2016.